

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Sunil Chandrupatla et al. CONFIRMATION NO.: 2698  
SERIAL NO.: 09/198,590  
FILING DATE: 11/23/1998  
TITLE: AGGREGATION OF USER USAGE DATA FOR ACCOUNTING  
SYSTEMS IN DYNAMICALLY CONFIGURED NETWORKS  
EXAMINER: Nguyen, Nga B.  
ART UNIT: 3692

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Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REPLY BRIEF**

Dear Sir:

This paper is submitted to the Board of Patent Appeals and Interferences in response to the Examiner's Answer mailed May 16, 2008. Please consider the following.

**REMARKS**

Claims 1-13, 15, 16, 18, 23, and 36-49 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Pat. No. 5,828,737 to Sawyer in view of U.S. Pat. No. 6,338,046 to Saari et al., among which claims 1, 13, 15, 16, 18, and 23 are independent claims. This rejection is respectfully traversed.

Generally, Section (9) ("Grounds of Rejection") in the Examiner's Answer are substantially identical to that of the Final Office Action of August 14, 2007.

Section (10) ("Response to Argument") of the Examiner's Answer contains two paragraphs. These will be considered in turn below.

First, it should be noted that the Examiner acknowledges in Section (5) of the Examiner's Answer that the Summary of Claimed Subject Matter contained in the Appeal Brief is correct, in which the network flow data in the claimed invention includes data regarding the number and type of packets.

1. As pointed out in the Argument Section (pages 13-15) in the Appeal Brief, the Examiner equates Sawyer's minimum amount of bandwidth used in maintaining a connection with the claimed obtaining network flow data including the data regarding the number and type of packets utilized by a user. This constitutes the basis of the Examiner's rejection. However, as discussed in the Appeal Brief, Sawyer discloses merely estimating the total amount of bandwidth used during each communication. (see the Abstract of Sawyer and col. 2 ll. 1-19; col. 4 l. 51 to col. 5 l. 5; and col. 5 ll. 6-28 of Sawyer). Such estimates of use and minimum bandwidth are not properly equated with data regarding the number and type of packets actually utilized by a user. Thus, the Examiner fails to sustain the rejection. This alone provides independent grounds for withdrawing the rejection.

2. As explained on page 15 of the Appeal Brief, Sawyer teaches away from including in network flow data the number of packets used by a user. Sawyer goes so far as to refer to such methods as "not particularly accurate." (see Sawyer at col. 4 ll. 33-50) However, the Examiner

fails to address this argument. Thus, the Examiner fails to sustain the rejection. This alone provides further independent grounds for withdrawing the rejection.

3. As explained on page 16 the Appeal Brief, Sawyer in view of Saari et al. fails to teach or suggest correlating said accounting start-stop event data and said network flow data into a subscriber specific call detail record unique to said user by matching said accounting start-stop event data associated with said user with said network flow data associated with said user as claimed. As mentioned above, Sawyer in view of Saari et al. does not disclose or suggest said network flow data including data regarding the number and type of packets utilized by a user as claimed. Therefore, Sawyer in view of Saari cannot be said to disclose or suggest matching accounting stop-start event data associated with said user with such network flow data associated with said user.

However, the Examiner simply repeats on page 12 of the Examiner's Answer the previous rejection in the Final Office Action, failing to provide any explanation or reasoning to sustain the rejection in response to the Applicant's argument. This alone provides further independent grounds for withdrawing the rejection.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).


#### Conclusion

In view of the foregoing, the Examiner's rejection is improper. Accordingly, it is respectfully asserted that the claims are in condition for allowance.

If any matters remain which could be resolved in a telephone interview between the Examiner and the undersigned, the Examiner is invited to call the undersigned to expedite resolution of any such matters. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,  
THELEN REID BROWN RAYSMAN & STEINER LLP

Dated: 07/16/2008

  
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